THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.20910 OF 2005

Date:26.09.2005

Between:

D.D.Pal, S/o.B.K.Pal, aged 54 years,

774340041, R/o.221-E, CISF Complex,

Visakhapatnam Steel Plant,

Visakhapatnam 31

… Petitioners

AND

Central Industrial Security Force (CISF)

Ministry of Home Affairs

Rep. by its Deputy Inspector General

CISF SZ Hqrs., Besant Nagar, Chennai 600 09

and another

… Respondents

ORDER:

Petitioner was appointed as a 'Constable' in the Central Industrial Security Force (CISF) in the year 1977. He was promoted as 'Lancenaik' in the year 1989, and thereafter, as 'Head Constable' in the year 1997. Disciplinary proceedings were initiated against him by issuing a charge sheet alleging that he indulged in collection of money from the Truck Drivers/Cleaners, while functioning at CISF unit at Visakhapatnam Steel Plant. Through order, dated 10.11.2004, the 2nd respondent

found the petitioner guilty of the charge and imposed the punishment of reduction to the rank of 'Constable' for a period of three years from the date of order. It was directed that after expiry of that period, he would be restored to the post of 'Head Constable'. He preferred an appeal before the 1st respondent. The appeal was dismissed on 13.12.2004. Hence, this writ petition.

Learned counsel for the petitioner submits that the punishment was inflicted upon the petitioner, on the basis of suspicion and that there was no direct evidence or proof, in relation to the charge. He contends that the punishment imposed against the petitioner is disproportionate and cannot be sustained in law.

Learned Additional Standing Counsel for the Central Government, on the other hand, submits that the petitioner can avail the remedy of revision provided for under the Central Industrial Security Force Act (for short 'the Act') and the Rules made there under.

It is not in dispute that Section 9 (2)(b) of the Act read with Rule 54 of the Rules provides for a revision to the Inspector General against an order passed by an appellate authority. Such an authority would be in a better position to appreciate the entire issue from the proper perspective, particularly by perusing the record. He can also examine the question of proportionality of punishment etc. The petitioner can avail such an alternative and effective remedy.

Therefore, the writ petition is disposed of leaving it open to the petitioner to avail the remedy of revision in accordance with the relevant provisions. As and when such revision is presented, the concerned authority shall dispose of the same, within three months from the date of presentation. There shall be no order as to costs.

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L.NARASIMHA REDDY,J

Date:26.09.2005

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